

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

QUINTAN J. KIMBROUGH,

Plaintiff,

vs.

DOUGLAS COUNTY CORRECTIONS,  
MALIK MILLER, BRANDEN C. GUNN,  
ZACK WILLIAMS, and BARRETO,

Defendants.

**8:23CV49**

**MEMORANDUM AND ORDER**

This matter is before the Court on its own motion. On September 28, 2023, this Court entered an order granting Plaintiff 30 days, through and until October 30, 2023, to file an amended complaint that clearly stated a claim upon which relief may be granted against Defendants otherwise his claims against all Defendants would be dismissed without further notice (the “September 28 Order”). [Filing No. 25](#). The September 28 Order was sent to the address on file for Plaintiff at that time which was the Douglas County Correctional Center (“DCCC”) in Omaha, Nebraska.

Several days after the September 28 Order was entered, on October 2, 2023, Plaintiff filed a notice of change of address with the Court, indicating his new address was at U.S.P. Leavenworth in Leavenworth, Kansas (“USP Leavenworth”). [Filing No. 26](#). On October 12, 2023, the Court received notice that the September 28 Order sent to Plaintiff at DCCC had been returned. [Filing No. 27](#). The Court then resent the September 28

Order to Plaintiff at his new address at USP Leavenworth. See [Filing No. 27](#) (text notice). However, apparently prior to Plaintiff's receipt of the September 28 Order, on October 23, 2023, Plaintiff filed another change of address notice, notifying the Court his address had again changed, and that all mail should now be sent to him at USP McCreary in Pine Knot, Kentucky ("USP McCreary"). [Filing No. 28](#). On November 3, 2023, the Court received notice that the September 28 Order sent to Plaintiff at USP Leavenworth had been returned and resent it to Plaintiff at his new address at USP McCreary. [Filing No. 29](#).

Although Plaintiff diligently has complied with his obligations to keep the Court informed of his address, due to Plaintiff being moved several times in short succession it appears Plaintiff had not received a copy of the September 28 Order prior to the passing of the October 30, 2023, deadline to comply with it. In the interest of justice, the Court shall grant Plaintiff 30 days from the entry of this order to file an amended complaint in compliance with the September 28 Order.

IT IS THEREFORE ORDERED:

1. Plaintiff now has through and until December 18, 2023, to comply with the September 28, 2023 Order at [Filing No. 25](#). If Plaintiff fails to file an amended complaint or seek an extension of time in which to do so, Plaintiff's claims against all Defendants will be dismissed without prejudice and without further notice. Plaintiff is notified that any motion seeking an extension of time for compliance must be filed prior to the expiration of the December 18, 2023 deadline.

2. The Clerk's Office is directed to terminate the pro se case management deadline of October 30, 2023, set forth in this Court's September 28, 2023 Order, [Filing](#)

No. 25, and shall set a pro se case management deadline in this case using the following text: **December 18, 2023**: Check for amended complaint.

Dated this 16th day of November, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large, circular initial "J" and a long, horizontal stroke extending to the right.

Joseph F. Bataillon  
Senior United States District Court